

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON L. SMITH,

Defendant.

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Case No. 3:12cr121

JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY SUSTAINING MOTION OF DEFENDANT FOR  
DETERMINATION OF DEFENDANT'S MENTAL COMPETENCY,  
PURSUANT TO 18 U.S.C. § 4241; DEFENDANT REFERRED TO FEDERAL  
MEDICAL CENTER FOR EVALUATION OF PRESENT MENTAL  
COMPETENCY AND/OR MENTAL RETARDATION AS A FACTOR  
CONTRIBUTING TO SAME, WITH EVALUATION AND REPORT OF SAID  
EVALUATION TO BE FURNISHED TO THE UNDERSIGNED

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The Motion of Defendant's counsel, seeking an order of the Court determining the present mental competency, including mental retardation, *inter alia*, to stand trial on the captioned Indictment (Doc. #30), is sustained. Noting that the Defendant has previously, in Case No. 3:07cr193(2), been found incompetent to stand trial, both by Dr. Massimo De Marchis, Psy.D., and by a Dr. William J. Ryan, Ph.D., hereby orders the Defendant referred, once again, to a federal medical center for a determination of his present mental competency to stand trial on the charges against him, pursuant to 18 U.S.C. § 4241, *et seq.* An evaluation and report of same is to be furnished the undersigned, as quickly as may be practicable, following the conclusion of the evaluation and report. Said evaluation should be completed not more than 45 days after referral to the appropriate federal medical center.

For ease of reference, this Court is sending to the federal medical center, a copy of both

the report of Dr. De Marchis, under date of January 16, 2008, and the report of Dr. William Ryan, under date of May 1, 2008.



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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

November 8, 2012

Copies to:

Counsel of record

Courtesy copy to:

Judge Thomas M. Rose